

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

-----X  
BROADCAST MUSIC, INC.; )  
UNIVERSAL-SONGS OF POLYGRAM )  
INTERNATIONAL, INC.; SONY/ )  
ATV SONGS LLC d/b/a SONY/ATV )  
TREE PUBLISHING; DYNATONE )  
PUBLISHING COMPANY; RONDOR )  
MUSIC INTERNATIONAL, INC. )  
d/b/a IRVING MUSIC; JAMES )  
WILLIAM BUFFETT a/k/a JIMMY )  
BUFFETT, an individual d/b/a )  
CORAL REEFER MUSIC; FOUR- )  
TEENTH HOUR MUSIC INC.; )  
SPRINGTIME MUSIC, INC.; EMI )  
VIRGIN SONGS, INC. d/b/a EMI )  
FULL NELSON MUSIC; FREDERICK )  
S. BIENSTOCK and HAMMERSTEIN )  
MUSIC & THEATRE COMPANY, )  
INC., a Connecticut )  
Partnership d/b/a EDWARD B. )  
MARKS MUSIC COMPANY; )  
DANDELION MUSIC CO., a )  
Division of JAMIE MUSIC )  
PUBLISHING CO.; PRONTO MUSIC, )  
a division of COTILLION )  
MUSIC, INC.; QUINON R. IVY )  
d/b/a QUINNY MUSIC PUBLISH- )  
ING CO.; WARNER-TAMERLANE )  
PUBLISHING CORP.; JEFF TROTT )  
d/b/a TROTSKY MUSIC; SHERYL )  
SUZANNE CROW d/b/a OLD CROW )  
MUSIC; SONGS OF UNIVERSAL, )  
INC.; LISA ANNE LOEB, an )  
Individual d/b/a FURIOUS )  
ROSE MUSIC; JUAN P. PATINO, )  
an individual d/b/a JUAN )  
PATINO MUSIC PUBLISHING, )  
Plaintiffs, ) CIVIL ACTION NO.:  
v. ) 05 11845 RCL  
MARINA VIEW CORPORATION )  
d/b/a SKYLINE BAR & GRILL )  
and GRIMOALDO A. RUSCITO, )  
ANTONIO C. RUSCITO and )  
ANTHONY RUSCITO, each )  
individually, )  
Defendants. )  
-----X

AFFIDAVIT OF LAWRENCE E. STEVENS

STATE OF TENNESSEE      )  
                            )  
                            ) ss:  
COUNTY OF DAVIDSON      )

I, LAWRENCE E. STEVENS, being sworn, says:

1. I am the Assistant Vice-President, General Licensing for BROADCAST MUSIC, INC., hereinafter referred to as "BMI", and I maintain an office at 10 Music Square East, Nashville, Tennessee 37203. I am fully familiar with the facts and circumstances in this matter, as well as with BMI's general licensing procedures.

2. BMI routinely sends to the proprietors license agreements and information explaining the need to obtain permission from copyright owners in order to lawfully publicly perform copyrighted music in their establishment. Copies of such correspondence are maintained at BMI's Licensing Office, under my supervision.

3. Prior to February 16, 2004, BMI learned that Skyline Bar & Grill, located at 305 Victory Road, Quincy, Massachusetts 02171, was offering musical entertainment without a license from BMI, or without permission from the copyright owners whose music was being publicly performed. On February 16, 2004, BMI sent a letter to the establishment and advised that a license was required. An informational brochure and BMI license agreement containing a license fee schedule were enclosed. The Defendants were advised that BMI represented hundreds of thousands of writers and publishers, and that BMI had the right to license several million musical compositions. There was no response.

4. BMI has not issued a license to any person authorizing the performance at Skyline Bar & Grill of any of the works alleged to have been infringed. Upon information and belief, none of the owners of the copyrights of any of said works has issued such a license to any person.

5. BMI sent additional letters and agreements on February 26, 2004, April 16, 2004, April 28, 2004, May 12, 2004, May 21, 2004, August 5, 2004, September 17, 2004, September 27, 2004, October 5, 2004, November 3, 2004, November 24, 2004, and December 16, 2004.

6. On December 27, 2004, BMI sent the Defendants a letter via DHL which instructed Anthony Ruscito Jr. to cease the public performance of BMI-licensed music.

7. On March 2, 2005, BMI sent a letter without an agreement. On May 26, 2005, two letters were sent with agreements, as well as on May 30, 2005, May 31, 2005, and June 10, 2005. On July 20, 2005, three letters were sent without agreements. No response was received from any of the individual defendants.

8. BMI also employs licensing personnel who work under the supervision of the Licensing Directors. They assist BMI's licensing efforts by making telephone calls and personal visits to potential licensees. They make a contemporaneous note of each telephone call and personal visit made. Copies of these records are maintained at BMI's offices, along with copies of the correspondence discussed above.

9. BMI's records indicate that BMI licensing personnel

telephoned the individual defendants at Skyline Bar & Grill on forty-seven occasions and spoke to persons associated with the establishment's operation. Also, a BMI representative spoke with defendant Anthony Ruscito, Jr. and the defendants' attorney Don Orkin on numerous occasions. A representative visited Skyline Bar & Grill on two occasions and left BMI license agreements with a person identified as Greg Soutter.

10. Despite BMI's efforts, the Defendants failed to enter into a license agreement with BMI and continue to offer unauthorized public performance of BMI-licensed music.

11. Accordingly, in order to protect the rights of the publishers and writers affiliated with BMI, Derek Addams was authorized to visit Skyline Bar & Grill and make written reports of the music being publicly performed. Copies of Mr. Addams's Certified Infringement Reports are attached as Exhibit A. These reports include all of the compositions which are alleged in Plaintiffs' Complaint to have been performed.

12. BMI sent Grimoaldo A. Ruscito a letter via DHL on May 30, 2005, Anthony Ruscito, Sr. a letter via DHL on May 31, 2005, and Anthony Ruscito, Jr. a letter via DHL on June 10, 2005 advising of the investigation. The letters were delivered and signed for by a receptionist. There was no response.

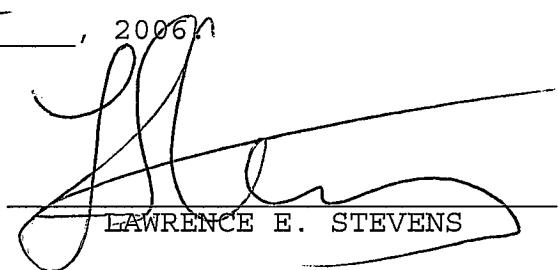
13. All correspondence which I have indicated that BMI sent to the defendants by first-class mail was properly addressed, stamped and deposited in a U.S. mail receptacle by persons in BMI's employ.

14. Copies of the above correspondence are attached as Exhibit B.

15. Upon information and belief, the Defendants are still publicly performing music licensed by BMI at Skyline Bar & Grill and BMI has not received an executed license from the Defendants. Had the Defendants entered into an agreement, the annual license fee for Skyline Bar & Grill would have been approximately \$2,702.00 for this year based upon music usage at a premises with a maximum allowable occupancy for the total premises of 280 and other factors as set forth in the applicable BMI license agreement. The estimated lost licensing revenue for the unlicensed period is \$6,319.83.

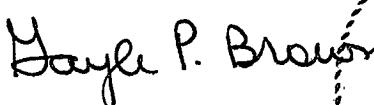
I hereby declare under penalty of perjury that the foregoing is true and correct.

DATED: June 12, 2006

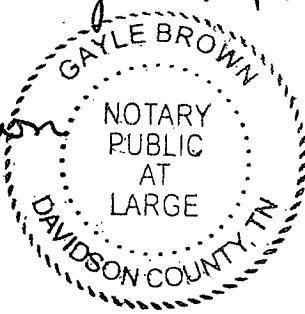


LAWRENCE E. STEVENS

Sworn to before me on June 12, 2006

  
NOTARY PUBLIC

Commission Expires  
November 25, 2006



**CERTIFIED INFRINGEMENT REPORT**Log Date: Day of the Week WEDNESDAY Month APRIL Date 13 TH Year 2005Name of Establishment SKY LINE BAR & GRILLAddress 305 VICTORIA RD.City Quincy State MA Telephone Number (617) 471-1453**ENTRY FEES** Admission/Cover - Amount: \$  Ticketed - Price: \$  Minimum - Amount: \$  None**TYPE OF PERFORMANCE** Live  DJ  Karaoke  VJNumber of Performers/DJs: 2 Name of Act: RON TOWERS / STEVE MONTMAGNY

Description of Performers/DJs, etc.

Instrumentation/Vocal

M/F

<u>SHIRT SLACKS GOTE</u>	<u>MC AND VOCALIST</u>	<u>M</u>
<u>T-SHIRT SLACKS</u>	<u>MC AND VOCALIST</u>	<u>M</u>

**Recorded Music: Source And Type Of Equipment Used** CDs  Tapes  Records  Internet Source\* **NOTE: KARAOKE DJ SPUN DANCE TUNES**  
**FROM TIME TO TIME OVER THE**  
**MUSIC HAS TIME FRAME**  
 Music Service: (If Known) DVD  Video Tapes  Radio  Satellite Radio  Other: \_\_\_\_\_ TV Monitors 1 APPROX 20"  
# & Size Large Screen TVs 1 FLAT SCREEN APPROX 40"  
# & Size**Speakers:**Type:  Ceiling - Estimated #: \_\_\_\_\_  Box - Estimated #: \_\_\_\_\_  OtherDescription of Equipment And/Or Speakers: SPKS (EV'S COLUMN 2 OR 3 WAY) FULL RACK  
OF PROCESSING GEAR, KARAOKE MONITOR (VIDEO) MICS AND DISC PLAYER**Jukebox**Name Vender Co: \_\_\_\_\_  Coin Operated  Free Play  Both

Brand: \_\_\_\_\_ Model: \_\_\_\_\_ JLO Cert No: \_\_\_\_\_

Vender Phone: ( ) \_\_\_\_\_ Date Issued: \_\_\_\_\_

Address: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Name of Establishment: Sky Line BarPage: 2 of 5TIME ENTERED PREMISES: 8:45 AM/PMTIME LEFT PREMISES: 10:22 AM/PM

TIME AM/PM	SONG/SELECTION PERFORMED		
	Announced	Unannounced	Vocal Instrumental
9:01	✓	✓	STAY ALL NITE (Male, Country)
9:04	✓	✓	HAPPY Song
9:12	✓	✓	NO WHERE TO RUN TO
9:16	✓	✓	BLAME IT ON LOVE
9:20	✓	✓	CAN'T GET ENOUGH
9:24	✓	✓	I'LL BE SEEING YOU
9:29	✓	✓	MARGARITA VILLE
9:33	✓	✓	MONDAY
9:37	✓	✓	DON'T BE CRUEL
9:41	✓	✓	SUPER STAR
9:45	✓	✓	RELAXATION
9:49	✓	✓	PUT YOUR BODY INTO IT
9:53	✓	✓	DAY AFTER DAY
9:57	✓	✓	MAKES YOU HAPPY
10:01	✓	✓	LADY'S NITE
10:04	✓	✓	LETTER TO A FRIEND
10:08	✓	✓	MISTAKE, SILENT LOVE
10:12	✓	✓	WHEN A MAN LOVES A WOMAN
10:17	✓	✓	THIRSTY DOG
10:21	✓	✓	SEX MACHINE
10:25	✓	✓	NEW ATTITUDE
10:29	✓	✓	BLUE
10:33	✓	✓	BELIEVE IN LOVE

D.J. →

D.J. →

Live  
DJ  
Karaoke  
CD  
VJ  
Radio/TV  
Jukebox

Name of Establishment:

Skyline Bar &amp; Grille

Page: 3 of 5

TIME AM <input checked="" type="radio"/> PM	Title	Artist	SONG/SELECTION PERFORMED								
			Announced	Unannounced	Vocal	Instrumental	Live	DJ	Karaoke	CD	VJ
10:37	IN THIS WORLD	MOBY					✓				
10:41	MISS YOU	ELIA YAH					✓				
10:45	DANCE ANTHEM	UNKNOWN					✓				
10:48	PARADISE	MEAT LOAF					✓				
10:56	JUST A SIGHT	Louis Armstrong					✓				
11:04	LOBAMBO	R. VELVINS					✓				
11:08	GO BACK	K. ROGERS					✓				
11:12	HOTEL CALIFORNIA	THE EAGLES					✓				
11:16	U.S.S.R (BACK IN)	BEATLES					✓				
11:20	YOU NEVER KNOW	ARESSETTE					✓				
11:24	LOVE SERVICE	EXPOSE					✓				
11:28	MY GIVE	TEMPTATIONS					✓				
11:32	PIANO MAN	B. JOEL					✓				
11:36	JUST THE WAY YOU ARE	B. JOEL					✓				
11:40	SWEET CAKE (LIVE)	W. DIAMOND					✓				
11:46	DANCE MIX (MEDLEY)	UNKNOWN					✓				
11:50	WINTER SONG (LIVE)	BOB TAYLOR					✓				
11:54	DESPERADO	EDGIES					✓				
11:58	CANDIES	BOB TAYLOR					✓				
12:03	FORGET ABOUT IT	L. LOEB					✓				
12:07	LOVE SHACK	B-52'S					✓				
12:11	COZY	D. CLINE					✓				
12:15	ONLY ONE	ETHRIDGE					✓				
	KILL ME SOFTLY	R. FISCH					✓				

AM →

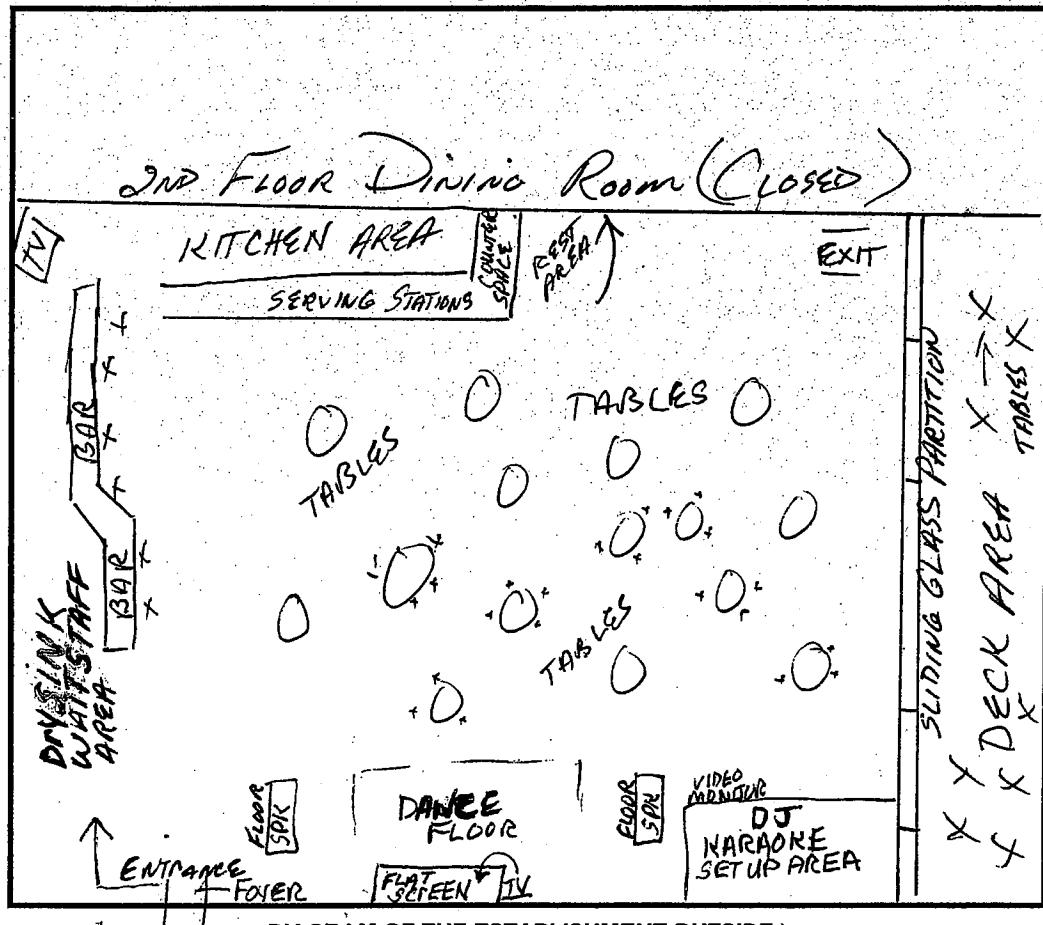
DJ →

Name of Establishment: SKYLINE Barber Service

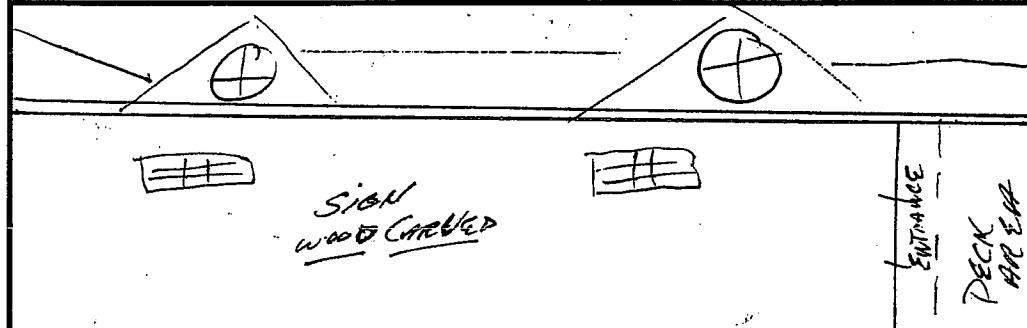
Name of Establishment: Skyline Bar & Grille

## DIAGRAM OF THE ESTABLISHMENT (INSIDE)\*

\*Indicate/include the location of the dance floor, stage, tables and chairs, bar, musical equipment, etc.



## DIAGRAM OF THE ESTABLISHMENT OUTSIDE )

I/we, Derek Liddams  
print name

print name

hereby certify, based upon my

personal knowledge and under penalty of perjury pursuant to 28 U.S.C. 1746, that the foregoing information in this Report is true and correct.

signature

today's date

signature

today's date

**CERTIFIED INFRINGEMENT REPORT**Log Date: Day of the Week THURSDAY Month MAY Date 5TH Year 2005Name of Establishment SKYLINE BAR & GRILLEAddress 305 VICTORIA RD.City Quincy State MA. Telephone Number (617) 471-1453**ENTRY FEES**

Admission/Cover - Amount: \$  Ticketed - Price: \$ 5.00  Minimum - Amount: \$  None

**TYPE OF PERFORMANCE**

Live  DJ  Karaoke  VJ

Number of Performers/DJs: 6 Name of Act: NODDACLUE (REGGAE)

Description of Performers/DJs, etc.	Instrumentation/Vocal	M/F
T-SHIRT BLACKS	BASS/VOCAL	M
COLORED SHIRT AND JEANS	GUITAR/VOCAL	M
DREADLOCKS, SHIRT, JEANS	GUITAR/VOCAL	M
T-SHIRT JEANS	KEYS/VOCAL	M
KNIT CAP DREADLOCKS, JEANS	SAX	M
T-SHIRT JEANS	DRUMS	M

**Recorded Music: Source And Type Of Equipment Used\*** BAND EQUIPMENT; PLAYED CD'S BETWEEN SETS\*

<input checked="" type="checkbox"/> CDs	<input type="checkbox"/> Tapes	<input type="checkbox"/> Records	<input type="checkbox"/> Internet Source	<input type="checkbox"/> Music Service: _____
(If Known)				
<input type="checkbox"/> DVD	<input type="checkbox"/> Video Tapes	<input type="checkbox"/> Radio	<input type="checkbox"/> Satellite Radio	<input type="checkbox"/> Other: _____
<input type="checkbox"/> TV Monitors	_____	# & Size	<input type="checkbox"/> Large Screen TVs	_____
				# & Size

**Speakers:**Type:  Ceiling - Estimated #: \_\_\_\_\_  Box - Estimated #: \_\_\_\_\_  OtherDescription of Equipment And/Or Speakers: BAND EQUIPMENT: JBL SPKS (MAIN SYSTEM 4) 4 STAGE MONITORS, KORG KEYBOARDS, PROCESSING RACK (ELECTRONIC EFFECTS) FENDER GUITARS AND BASS, SAXAPHONE AND FULL DRUMKIT. STAGE LIGHTING. LARGE BANNER "PALM TREES, BEHIND BAND**Jukebox**

Name Vender Co: _____	<input type="checkbox"/> Coin Operated	<input type="checkbox"/> Free Play	<input type="checkbox"/> Both
Brand: _____	Model: _____	JLO Cert No: _____	
Vender Phone: ( ) _____		Date Issued: _____	
Address: _____		Expiration Date: _____	

Name of Establishment: SKYLINE BAR & GRILL

TIME ENTERED PREMISES: 9:09 AM / PM

TIME LEFT PREMISES: 10:38 AM / PM

TIME AM / PM	Announced Unannounced Vocal Instrumental	Title	SONG/SELECTION PERFORMED			
			Artist	Live DJ	Karaoke CD	VJ Radio/TV Jukebox
9:11	✓	GET RIGHT	KEPEZ	✓		
9:15	✓	ROBOT ROCK	UNKNOWN	✓		
9:18	✓	DON'T STOP (FEMALE)	UNKNOWN	✓		
9:22	✓	CATTER TO YOU (FEMALE)	UNKNOWN	✓		
9:26	✓	RICHIE	G. STEPHEN	✓		
9:29	✓	JUST A LIL BIT	50 CENT	✓		
9:33	✓	HOW WE DO	50 CENT	✓		
9:37	✓	CRY TO ME	MARLEY	✓		
9:41	✓	GET UP	B. MARLEY	✓		
9:44	✓	I SHOT SHERIFF	B. MARLEY	✓		
9:48	✓	NOT THE WAY	655KES	✓		
9:52	✓	STEPPIN OUT	UNKNOWN	✓		
9:56	✓	NO MORE WINE	UNKNOWN	✓		
9:59	✓	ME MEAN	UNKNOWN	✓		
10:04	✓	GET BUSY	SEAN PAUL	✓		
10:08	✓	SHOUT	SEAN PAUL	✓		
10:12	✓	TAKE A SIP	UNKNOWN	✓		
10:16	✓	QUESTIONS	UNKNOWN	✓		
10:19	✓	LOVE POWER	UNKNOWN	✓		
10:23	✓	NOT THE WAY	UNKNOWN	✓		
10:27	✓	CONFESSION	G. ISSAKS	✓		
10:31	✓	CHAMPION	UNKNOWN	✓		
10:34	✓	BLIND BREAKE	UNKNOWN	✓		
10:35	✓	CORNER STONE	MARLEY	✓		

25  
revised

Name of Establishment:

SKYLINE BAR &amp; GRILL

Page: 3 of 5

TIME AM <input checked="" type="radio"/> PM	SONG/SELECTION PERFORMED		Artist	PERFORMED							
	Announced Unannounced Vocal Instrumental	Title		LIVE		DJ		KARAOKE		CD	
				Unknown		Unknown		Unknown		Unknown	
10:38	✓	ROCKIN' BIRD	Unknown	✓							
10:42	✓	DON'T YA (RUMBLE)	Unknown								
10:46	✓	WE WE DOWNTOWN RUMBLE	Unknown								
10:49	✓	SO WHAT	G. ISSACS	✓							
10:53	✓	MUR	50 CENT/2FACE	✓							
10:57	✓	WANNABE DOWN	Brandy								
11:03	✓	REAL RESTAURANT	LUCIANO								
11:07	✓	ROCK YOURSELF	UNKNOWN								
11:11	✓	DOWN BY THE RIVER (REGGAE)	UNKNOWN								
11:15	✓	COOL YAH (REGGAE)	UNKNOWN								
11:19	✓	ONE PEOPLE	UNKNOWN								
11:23	✓	LION	UNKNOWN								
11:27	✓	NO WOMAN NO CRY	UNKNOWN								
11:31	✓	BE LOVED	UNKNOWN								
11:35	✓	UNKNOWN	UNKNOWN								
11:39	✓	UNKNOWN	UNKNOWN								
11:44	✓	UNKNOWN	UNKNOWN								
11:47	✓	STRANGER IN TOWN	S. PAUL	✓							
11:51	✓	BIG APPLE	G. ISSACS	✓							
11:54	✓	SEX (REGGAE)	PERCY LEE	✓							
11:59	✓	NIGHT RUMBLE (REGGAE)	UNKNOWN								
12:02	✓	BOSSY BOY	S. PAUL	✓							
12:05	✓	HELLO HOME	UNKNOWN	✓							
12:09	✓	BAD MAN	UNKNOWN	✓							

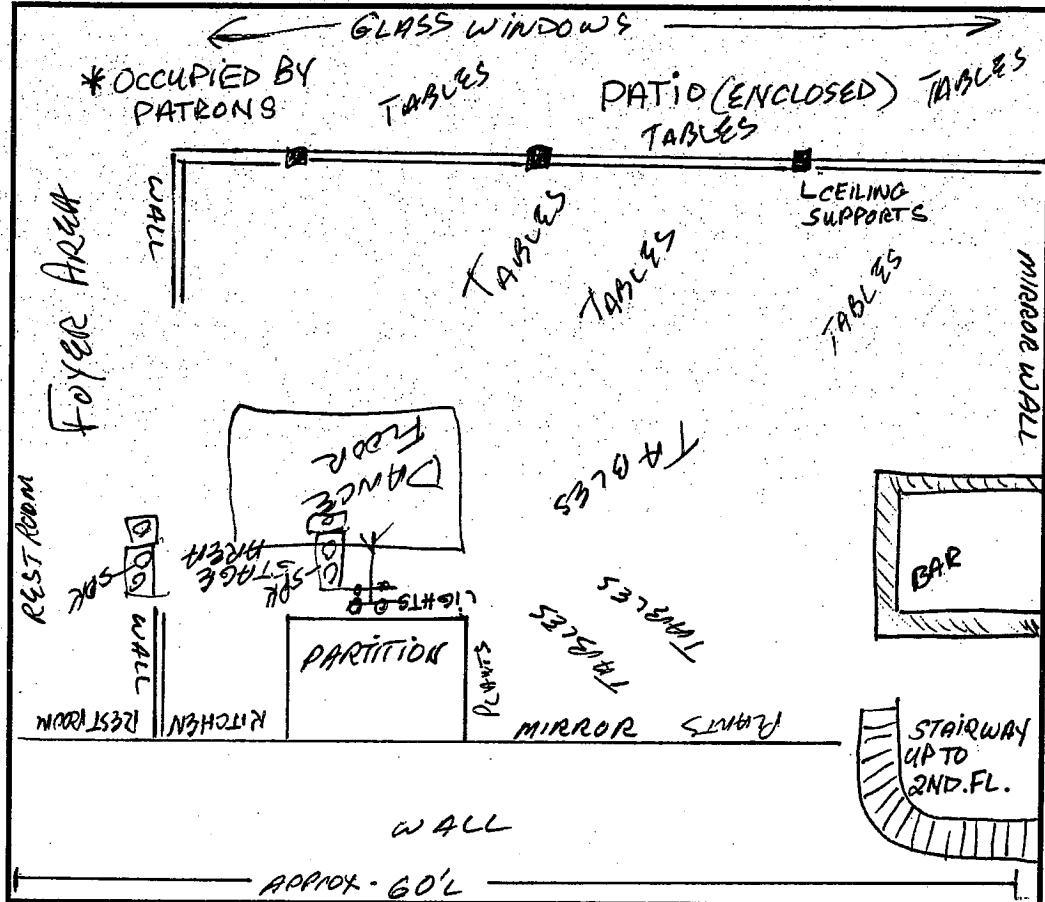
Name of Establishment: SKYLINE BURGERS

Page: 4 of 5

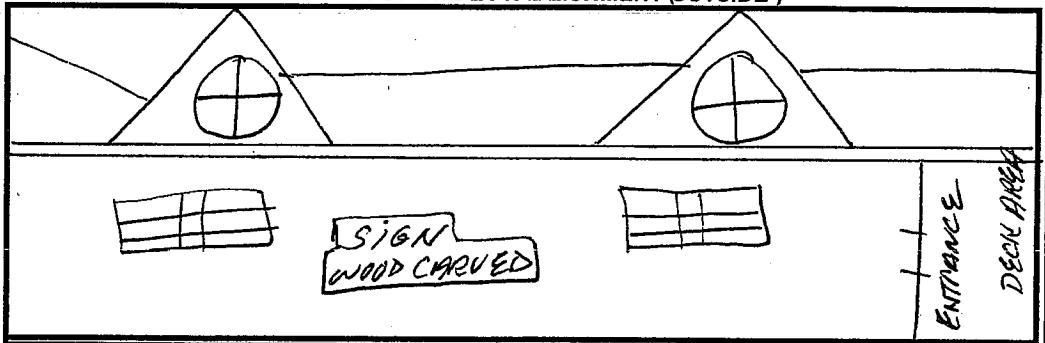
Name of Establishment: Skyline Bar & Grille

**DIAGRAM OF THE ESTABLISHMENT (INSIDE)\***

\*Indicate/include the location of the dance floor, stage, tables and chairs, bar, musical equipment, etc.



## DIAGRAM OF THE ESTABLISHMENT OUTSIDE )



I/We, DEREK ADAMS,  
print name

personal knowledge and under penalty of perjury pursuant to 28 U.S.C. 1746, that the foregoing information in this Report is true and correct.

print name

*hereby certify, based upon my*

Derek Adams  
signature

5/6/05  
today's date

signature

today's date

*revised document - 9.27.02*

## **Certified Infringement Report**



February 16, 2004

Anthony Ruscito  
Skyline  
305 Victory Road  
Marina Bay MA 02171

Dear Mr. Ruscito:

There are many licenses you must obtain when operating a business. One that you may not know about is the license you must secure from songwriters, composers, and publishers to perform their music publicly under the United States copyright law.

As a businessperson using music to enhance the atmosphere in your restaurant or nightclub, you'll realize that obtaining individual licenses to perform every song you use would be an expensive and time-consuming process.

Representing more than 1 out of every 2 songs performed on American radio today, BMI is the largest, non-profit making organization recognized under the U.S. copyright law to license the public performances of musical works. BMI can grant you the right to publicly perform the music of more than 300,000 songwriters, composers, and publishers through one simplified agreement and one annual fee. Over eighty-three cents of every dollar of your fee goes directly to the BMI songwriters, composers, and publishers whose music you are performing.

Our BMI Music License was designed with input from your industry associations and actual customers to fit the way you use music in your business. By basing our fee structure on the intensity and frequency of your music use, you are guaranteed to only pay for the music you play.

We've enclosed a new BMI Music License for your review along with a brochure written by the Better Business Bureau that describes how BMI can assist you in obtaining legal access to the more than 6.5 million musical works in the BMI repertoire. Once you've had a chance to review the agreement, please sign and return it in the envelope provided.

If we receive your payment with your signed music license within 30 days, you will receive a 10% discount off your annual fee. In addition, some state or national trade associations have discount agreements with BMI. Contact your association to see if you qualify for one association discount only.

If you have questions, please call BMI at 1-888-689-5264, 9 a.m. to 5 p.m. (Central Time) Monday through Friday. For a list of all of the BMI affiliated songwriters, composers, and publishers and the music included under this agreement, please visit our World Wide Web site on the Internet at <http://www.bmi.com>.

Sincerely,

A handwritten signature in black ink, appearing to read "Michele A. Reynolds".

Michele A. Reynolds  
Assistant Vice President  
General Licensing

Enclosures: EDE Music License 02/04, BRE, BBB  
Premise State: MA





February 26, 2004

Donald Orkin  
Skyline  
Donald Orkin  
114 Page Ste 7  
Stoughton MA 02027

Dear Mr. Orkin:

Enclosed is the information regarding music licensing that you requested for your attorney's review.

To summarize so that you better understand your responsibilities as a business owner who uses music, U.S. Copyright Law (Title 17, U.S. Code) grants the creators of music exclusive performing rights and requires anyone using copyrighted music in a public place to obtain permission of the copyright holders. In all, BMI represents the performing rights of more than 300,000 songwriters, composers and publishers. Through music performance agreements, we grant music users blanket permission to use the more than 6.5 million songs in our repertoire.

I'm sure that once your attorney has read these materials and reviewed BMI's license, he or she will be happy to clarify your obligations as a business owner who uses music.

If you have any questions, please feel free to call BMI at 1-888-689-5264.

Sincerely,

A handwritten signature in black ink, appearing to read "Marsha Williams".

Marsha Williams  
Senior Director  
General Licensing

Enclosures: EDE Music License, Legal Aspects, BBB, BRE  
3323115502596/ 02/04/Premise State: MA





April 16, 2004

Donald Orkin  
Skyline  
Donald Orkin  
378 Page ST Ste 14  
Stoughton MA 02072

Dear Mr. Orkin:

Enclosed is the information regarding music licensing that you requested for your attorney's review.

To summarize so that you better understand your responsibilities as a business owner who uses music, U.S. Copyright Law (Title 17, U.S. Code) grants the creators of music exclusive performing rights and requires anyone using copyrighted music in a public place to obtain permission of the copyright holders. In all, BMI represents the performing rights of more than 300,000 songwriters, composers and publishers. Through music performance agreements, we grant music users blanket permission to use the more than 6.5 million songs in our repertoire.

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If you have any questions, please feel free to call BMI at 1-888-689-5264.

Sincerely,

A handwritten signature in black ink, appearing to read "Marsha Williams".

Marsha Williams  
Senior Director  
General Licensing

Enclosures: EDE Music License, Legal Aspects, BBB, BRE  
3323115502596/ 02/04/Premise State: MA





April 28, 2004

Donald Orkin  
Skyline  
Donald Orkin  
378 Page ST Ste 14  
Stoughton MA 02072

Dear Mr. Orkin:

After repeated efforts to resolve this matter by phone, I recently visited your establishment to speak with you personally about licensing the BMI music that is used in your establishment. Though you were not available, I was able to reaffirm your need for a license and subsequently left a BMI Music License for your completion. I anticipated that the agreement would be returned with the appropriate payment.

The purpose of this follow up letter is to make it clear that we need to bring closure to this very important issue now. Please complete and return the License Agreement, along with your fee, in the enclosed postage paid envelope. If you have any questions about BMI or licensing the performances of copyrighted music under the U.S. copyright law, please contact me at 1-888-689-5264.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Scot Whitaker".

Scot Whitaker  
Licensing Executive  
General Licensing

Enclosures: EDE Music License, BRE  
3323115502596/02/04/Premise State: MA





May 12, 2004

Anthony Ruscito  
Skyline  
Donald Orkin  
378 Page ST Ste 14  
Stoughton MA 02072

Dear Mr. Ruscito:

Enclosed is the information regarding music licensing that you requested for your attorney's review.

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I'm sure that once your attorney has read these materials and reviewed BMI's license, he or she will be happy to clarify your obligations as a business owner who uses music.

If you have any questions, please feel free to call BMI at 1-888-689-5264.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marsha Williams'.

Marsha Williams  
Senior Director  
General Licensing

Enclosures: EDE Music License, Legal Aspects, BBB, BRE  
3323115502596/02/04/Premise State: MA





May 21, 2004

Anthony Ruscito  
Skyline  
Donald Orkin  
378 Page ST Ste 14  
Stoughton MA 02072

## Why Should You Sign The Enclosed Music License?

- BMI represents more than 300,000 copyright owners. Our songwriters and composers are essentially small business owners. They write the music you use in your business;
- A BMI Music License provides your business with copyright clearance from these songwriters and composers, as well as their publishers, as required by U.S. copyright law. This saves you the time and expense of securing permission from every copyright owner yourself;
- A BMI Music License provides you access to an award-winning catalog of more than 6.5 million musical works (roughly half of all the music performed in America) in all styles of music through just one agreement;
- BMI operates on a non-profit basis distributing all music licensing fees, less operating expenses, back to our affiliated copyright owners. Currently, eighty-four cents out of every dollar of your music licensing fee is paid to our affiliated songwriters, composers, and music publishers;
- Licensing is the right thing to do. Otherwise, you will be using someone else's property without their permission.

## 2 Important Facts You Should Know About Songwriters

- Many times the creator of the work is different than the artist performing the work and is not well known (For instance, did you know that Aaron Barker is the songwriter behind many of the songs George Strait performs?). An easy way to check this is to visit our list of songwriters and composers at [www.bmi.com](http://www.bmi.com). A BMI Music License ensures that the creator of the work will be paid.
- Most songwriters and composers work for years at writing songs before they make one dime and whatever they earn must cover years of unpaid hard work.

For more information about music licensing and copyright clearance, you may also find the following Sites helpful: (1) Better Business Bureau – <http://www.bbb.org> (2) United States Copyright Office - <http://www.copyright.gov> (BMI is recognized in Title 17 as a performing right organization under Section 101 Definitions: *Performing Rights Societies*).

Please call BMI at (888) 689-5264 if you have any questions.

3323115502596



10 Music Square East, Nashville, Tennessee 37203-4399

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(888) 689-5264

Fax: (615) 401-2829

BRIDGE.doc



August 5, 2004

Anthony Ruscito Jr.  
Skyline  
Donald Orkin  
378 Page ST Ste 14  
Stoughton MA 02072

Dear Mr. Ruscito Jr.:

In recent weeks we have made numerous attempts to contact you concerning your rights and responsibilities as someone who plays BMI copyrighted music in a business. Unfortunately, we have been unable to reach an agreement regarding licensing your business.

Please understand, the U.S. Copyright Law recognizes music as the property of its creator(s) and grants them the exclusive right to perform their music in public (such as in a business). Anyone else wishing to play music in a business must first receive permission from the music's owners. As a performing rights organization, BMI serves as a representative of more than 300,000 songwriters, composers and publishers. We grant businesses legal access to more than 6.5 million musical works through a single music performance agreement.

BMI strives to work with those who play music in their business and to make it easy for them to comply with the law. However, we are dedicated to protecting the rights of our affiliates.

To resolve this matter quickly, please return the completed BMI Music Performance Agreement, with the appropriate remittance, in the postage-paid envelope provided. If you have any questions, please contact BMI at 1-888-689-5264 9 a.m. to 5 p.m. (Central Time), Monday through Friday.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Williams".

Marsha Williams  
Senior Director  
General Licensing

Enclosures: EDE Music License, BRE  
3323115502596/02/04/Premise State: MA





September 17, 2004

Anthony Ruscito Jr.  
Skyline  
Donald Orkin  
378 Page ST Ste 14  
Stoughton MA 02072

Dear Mr. Ruscito Jr.:

After repeated efforts to resolve this matter by phone, I recently visited your establishment to speak with you personally about licensing the BMI music that is used in your establishment. Though you were not available, I was able to reaffirm your need for a license and subsequently left a BMI Music License for your completion. I anticipated that the agreement would be returned with the appropriate payment.

The purpose of this follow up letter is to make it clear that we need to bring closure to this very important issue now. Please complete and return the License Agreement, along with your fee, in the enclosed postage paid envelope. If you have any questions about BMI or licensing the performances of copyrighted music under the U.S. copyright law, please contact me at 1-888-689-5264.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Scot Whitaker".

Scot Whitaker  
Licensing Executive  
General Licensing

Enclosures: EDE Music License, BRE  
3323115502596/02/04/Premise State: MA





September 27, 2004

Anthony Ruscito Jr.  
Skyline  
305 Victory Road  
Marina Bay MA 02171

Dear Mr. Ruscito Jr.:

I'm the Licensing Executive at BMI assigned to helping you with your music licensing needs. While I'm happy to provide you with my services and offer any assistance, I have been unable to elicit your cooperation in resolving this matter. Unfortunately, this must be my last attempt to do so.

You can easily meet your obligations under the U.S. copyright law by signing the enclosed BMI Music License designed specifically for Eating & Drinking Establishments. The fee structure of this new license assures you that you will only pay for the BMI music you play. Before turning down this offer, please remember that this is how songwriters earn their living and without the expressed written consent of the copyright owners, continued performance of BMI music is unauthorized.

This matter should receive your immediate attention. I urge you to complete, sign and return the enclosed BMI Music License today, along with the appropriate payment.

This is my last contact with you before I turn your file over to my supervisor for review. Should you still have questions regarding this matter, please contact me at 1-888-689-5264.

Sincerely,

A handwritten signature in black ink, appearing to read "Scot Whitaker".

Scot Whitaker  
Licensing Executive  
General Licensing

Enclosures: EDE Music License, BRE  
3323115502596/02/04/Premise State: MA





October 5, 2004

Anthony Ruscito Jr.  
Skyline  
305 Victory Road  
Marina Bay MA 02171

RE: Skyline  
BMI Music License

Dear Mr. Ruscito Jr.:

Your file has come to my attention for review.

I note that our office has a long history of repeated contact with you regarding the necessity of signing a BMI Music License. In correspondence directed to you on numerous occasions, the need for such a license was clearly stated and every effort has been made to resolve the matter amicably, but without success.

I also note from your file that you have been contacted on more than one occasion by a representative of BMI. In spite of our efforts, however, we have still not received the license from you nor any explanation for the delay.

The choice is now entirely up to you. If we are still without the completed license (enclosed), after 15 days from the date of this letter, I will be forced to consider whatever action appropriate to protect the interests of our songwriters, composers, and publishers.

Please feel free to contact me at this office if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Cleve Murphy".

Cleve Murphy  
Assistant Vice President  
General Licensing

Enclosures: EDE Music License, BRE  
3323115502596/02/04/Premise State: MA





November 3, 2004

Anthony Ruscito Jr.  
Skyline  
305 Victory Road  
Marina Bay MA 02171

Re: Music License

Dear Mr. Ruscito Jr.:

Several weeks ago BMI sent a letter to you informing you of your need to sign and return BMI's Music License.

The purpose of this follow-up letter is to make it clear to you that we need to address this matter now. Please use the self-addressed envelope to return the enclosed License Agreement along with the appropriate annual fee.

If you have made the decision not to sign and return the enclosed Agreement, please complete and return the form below. Your response will help us bring closure to this very important matter.

Please be assured of our commitment to our affiliates and that the continued use of BMI licensed music without permission will leave me no alternative other than to refer this matter to our attorneys. If you have any questions, please call me at 1-800-925-8451.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Bird".

William Bird  
Director  
General Licensing

Enclosures: EDE1 Music License, Legal Aspects, BRE  
02/04/Premise State: MA

Re: Ruscito Equity Corp

Account ID#: 3323115502596

I have decided not to sign BMI's Music License.  
 I have already signed and returned BMI's License.

Signature

Date





Lawrence E. Stevens  
Assistant Vice President  
General Licensing

November 24, 2004

Anthony Ruscito Jr.  
Skyline  
305 Victory Road  
Marina Bay, MA 02171

Re: Ruscito Equity Corporation

Dear Mr. Ruscito Jr.:

I note that BMI has been contacting you for some time regarding the necessity of signing a BMI Music License for your establishment(s). In correspondence and phone calls directed to you on numerous occasions, the need for such a License was clearly stated. Every effort has been made to resolve the matter amicably, but without success.

On November 3, 2004, a letter was mailed to your attention along with a License reflecting your music usage fee of \$2,156.00 for the period of 02/01/2004 to 01/31/2005 only. This fee does not include all other unlicensed periods in which you were using music.

Copyright Infringement is a serious offense. It is imperative that you give this your immediate attention. I have again enclosed a BMI Music License. Your failure to complete, sign and return the License along with the total remittance due within five (5) days, will leave me no alternative other than to refer this matter to our attorneys.

Should you have any questions, please call 1-800-925-8451.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Stevens".

Lawrence E. Stevens  
Assistant Vice President  
General Licensing

Enclosure: EDEI Music License, BRE  
3323115502596/Premise State: MA



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(615) 401-2823

Fax: (615) 401-2861

LSFH.doc

J322211550250611AD11011162



December 16, 2004

Anthony Ruscito Jr.  
Skyline  
305 Victory Road  
Marina Bay MA 02171

DHL

Dear Mr. Ruscito Jr.:

I am an attorney in BMI's licensing department. Your business or organization is not currently licensed to publicly perform music from the BMI repertoire. BMI operates on a non-profit basis and represents songwriters, composers and publishers. It is part of our responsibility in that regard to protect their copyrighted works from unlawful use without appropriate authorization. Your BMI representative has contacted your business or organization several times in an effort to secure a license. As of today, our records indicate that we have not received your signed agreement. If you have already returned your signed BMI license, or otherwise secured permission to perform BMI affiliated music, please contact this office immediately at 1-877-264-2138.

We are enclosing another License Agreement for your completion and signature. If you have questions or need assistance completing this document, please call me.

If we do not receive a completed license agreement, or a response to this letter indicating that you have otherwise licensed your BMI music, you should discontinue the public performance of music in the BMI repertory. This is to advise you that any unlicensed performance of BMI-affiliated music may result in substantial damages under the Federal Copyright Law.

Sincerely,

A handwritten signature in black ink, appearing to read "William Grothe".

William Grothe  
Senior Director  
General Licensing

Enclosures: EDE1 Music License, Legal Aspects, BRE  
/3323115502596/Premise State: MA



**DHL**

Ship Track Transit Times Rates Pickups Locations Suppliers

By Number By Reference By Email Signature P.O.D. DHL Same Day Service

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► Domestic Services  
► International Services  
► Small Business Center  
► Technology Tools  
► About DHL

### TRACKING RESULTS: DETAIL

Tracking Number: 16646619275

**Shipment Summary:**

Current Status:	Shipment delivered:
Delivered on:	12/20/04 1:06 pm
Delivered to:	Residence Door
Signed for by:	LD FD -305 VIC

[Get Details](#)

**Shipment History:**

DATE	TIME	ACTIVITY AND COMMENTS	LOCATION
12/20/04	1:06 pm	Shipment delivered. Picked Up by DHL.	

**Shipper:**  
B M I  
Nashville, TN 37203  
United States

**Receiver:**  
SKYLINE  
Marina Bay, MA 02171  
United States

**Shipment Detail:**

Service:	<u>2nd day</u>	Ship Type:	Letter Express
Special:		Description:	
Weight:	1	Shipper's Reference:	31
Pieces:	1		

[New Search](#) [Get Signature P.O.D.](#)

- ♦ Tracking detail provided by DHL: 3/15/2005, 8:19:14 am pt.
- ♦ For assistance, please [contact us](#).
- ♦ You are authorized to use DHL tracking systems solely to track shipments tendered by or for you to DHL. Use of DHL tracking systems and information is strictly prohibited.



December 27, 2004

Anthony Ruscito Jr.  
Skyline  
305 Victory Road  
Marina Bay, MA 02171

DHL

Dear Mr. Ruscito Jr.:

As you have not responded to our correspondence and in the absence of a license agreement with BMI, this shall serve as formal notice to you that effective this date, you must cease all use of BMI licensed music in your business or organization. The continued use of music in the BMI repertoire without authorization will result in copyright infringement. Copyright infringement is a violation of federal law. Copyright infringement may subject you to substantial damages. BMI is prepared to take whatever action may be necessary to protect the right of its composers and publishers. Refer any questions regarding this matter to (888) 689-5264.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Stevens".

Lawrence E. Stevens  
Assistant Vice President  
General Licensing

LS /EDE1



 <a href="#">► LOGIN</a> <a href="#">► REGISTER</a> <a href="#">► Customer Service</a> <a href="#">► Domestic Services</a> <a href="#">► International Services</a> <a href="#">► Small Business Center</a> <a href="#">► Technology Tools</a> <a href="#">► About DHL</a>		<a href="#">Ship</a>	<a href="#">Track</a>	<a href="#">Transit Times</a>	<a href="#">Rates</a>	<a href="#">Pickups</a>	<a href="#">Locations</a>	<a href="#">Supplier</a>
		<a href="#">By Number</a>	<a href="#">By Reference</a>	<a href="#">By Email</a>	<a href="#">Signature P.O.D.</a>	<a href="#">DHL Same Day Service</a>		

**TRACKING RESULTS: DETAIL**

Tracking Number: 16646670272

**Shipment Summary:**

Current Status:	Shipment delivered.
Delivered on:	12/29/04 11:40 am
Delivered to:	Receptionist
Signed for by:	C MCKAY

[Get Details](#)

**Shipment History:**

DATE	TIME	ACTIVITY AND COMMENTS	LOCATION
12/29/04	11:40 am	Shipment delivered. Picked Up by DHL.	

**Shipper:**  
B M I  
Nashville, TN 37203  
United States

**Receiver:**  
SKYLINE  
Marina Bay, MA 02171  
United States

**Shipment Detail:**

Service:	<u>2nd day</u>	Ship Type:	Package
Special:		Description:	
Weight:	1	Shipper's Reference:	31
Pieces:	1		

[► New Search](#)[► Get Signature P.O.D.](#)

- Tracking detail provided by DHL: 3/15/2005, 8:21:37 am pt.
- For assistance, please [contact us](#).
- You are authorized to use DHL tracking systems solely to track shipments tendered by or for you to DHL. Use of DHL tracking systems and information is strictly prohibited.



Lawrence E. Stevens  
Assistant Vice President  
General Licensing

March 2, 2005

Anthony Ruscito Sr.  
Skyline Bar and Grill  
305 Victory Road  
North Quincy, MA 02171

RE: Skyline Bar and Grill

Dear Mr. Ruscito Sr.:

This is to notify you that the cease and desist order sent to you by BMI remains in full force and effect.

Since we have not received the license from you that would legally allow the performances of copyrighted compositions in your business or organization, we must proceed in efforts to protect the rights of our more than 300,000 writers and publishers. However, this can be avoided by contacting this office immediately.

Violations of the copyright law are expensive. Damages for infringement of at least \$750 per song, which can be significantly increased by the courts, are set forth in Title 17 of the United States Code (Copyright Law).

If you have any questions regarding this important matter, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lawrence E. Stevens'. The signature is fluid and cursive, with 'Lawrence' on the top line and 'E. Stevens' on the line below it.

Lawrence E. Stevens

3323115502596/BB





May 26, 2005

Grimaldo A. Ruscito  
Skyline Bar and Grille  
305 Victory Road  
Quincy, MA 02171

**VIA DHL**

RE: Music License

Dear Mr. Ruscito:

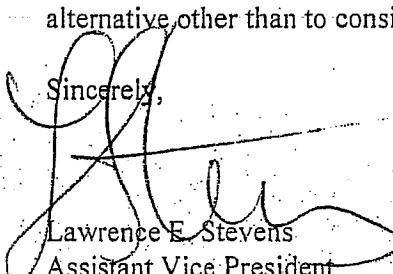
I am providing you with a copy of all of the pertinent letters sent to your establishment, and a BMI License. We remain ready to furnish you a license at fair rates.

I am also enclosing the following brochures: the Better Business Bureau's Music in the Marketplace, Music use in Eating and Drinking Establishments Q&A, and The Legal Aspects of Performing Copyrighted Music.

You may still obtain necessary permission to perform BMI licensed music by completing, signing and returning the enclosed license agreement form together with payment of fee within five days of receipt of this letter.

Your failure to return the signed agreement within the stated time will leave us with no alternative other than to consider whatever action appropriate for the protection of our rights.

Sincerely,

  
Lawrence E. Stevens  
Assistant Vice President  
General Licensing

Enclosures: MPA, BRE, BBB, EDE Q&A, Legal Aspects, Letters dated: 2/16/04, 2/26/04, 4/16/04, 4/28/04, 5/12/04, 5/21/04, 8/5/04, 9/17/04, 9/27/04, 10/5/04, 11/3/04, 11/24/04, 12/16/04, 12/27/04, 3/2/05.

LS/dy

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## Track results detail

### Tracking results detail for 26445893751

#### Track

- ▶ [Track by number](#)
- ▶ [Track by reference](#)
- ▶ [Get delivery signature](#)
- ▶ [Track DHL Same Day service](#)

#### Tracking summary

Current Status	<input checked="" type="checkbox"/> <b>Shipment delivered.</b>	<a href="#">View Signature</a>
Delivered on	5/27/2005 11:00 am	
Delivered to	Receptionist	
Signed for by	E TWEETED	What is this?

#### Log in to DHL

User ID

Password

Remember my User ID

**Log in**

▶ [Forgot your Password?](#)

#### Tracking history

Date and Time  
 5/27/2005 11:00 am  
 7:25 am  
 5/26/2005 5:41 pm  
 4:46 pm

Ship From:  
 B M I  
 Nashville, TN 37203  
 United States

Attention:  
 B M I

Status  
 Shipment delivered.  
 Arrived at DHL facility.  
 Departing origin.  
 Picked Up by DHL.

Ship To:  
 SKYLINE BAR AND GRILLE  
 Quincy, MA 02171  
 United States

Attention:  
 SKYLINE BAR AND GRILLE

Location  
 Boston, MA  
 Boston, MA  
 Nashville, TN  
 Shipper's Door

Shipment Information:  
 Ship date: 5/26/2005  
 Pieces: 1  
 Total weight: 1 lb  
 Ship Type: Letter Exp

Shipment Reference:  
 Service: Next Day AM  
 Special Service:  
 Description:

Tracking detail provided by DHL: 5/31/2005, 8:02:17 am pt.

[Track new](#)

You are authorized to use DHL tracking systems solely to track shipments tendered by or for you to [REDACTED]. Use of DHL tracking systems and information is strictly prohibited.

#### New to DHL?

Registration is quick and easy. And as a registered user, you'll have access to services and tools to help you ship your packages easily and efficiently.

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#### Questions?

We're here to help!

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## Delivery Signature Detail

**Track**

Tracking Delivery Signature details... Tracking Number 26445893751

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- [► Track by number](#)
- [► Track by reference](#)
- [► Get delivery signature](#)
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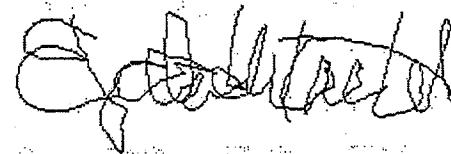
**Tracking summary**Current Status  **Shipment Delivered**

Registration is  
And as a regist  
have access to  
tools to help yo  
packages easil  
► Register Now

Delivered on 5/27/05 11:00 am

Delivered to Receptionist

Signed for by E TWEETED

[Help me with the signed by codes](#)**Log in to DHL**User ID Password  Remember my User ID[Log in](#) [► Forgot your Password?](#)**Signature****RECEIVED IN GOOD ORDER EXCEPT AS NOTED****Receiver Information**

SKYLINE BAR AND GRILLE

Quincy, MA 02171

United States

Tracking detail provided by DHL: 5/31/2005 8:07:30 AM

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May 26, 2005

Anthony Ruscito Sr.  
Skyline Bar and Grille  
305 Victory Road  
Quincy, MA 02171

VIA DHL

RE: Music License

Dear Mr. Ruscito Sr.:

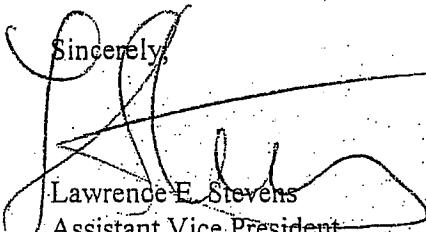
I am providing you with a copy of all of the pertinent letters sent to your establishment, and a BMI License. We remain ready to furnish you a license at fair rates.

I am also enclosing the following brochures: the Better Business Bureau's Music in the Marketplace, Music use in Eating and Drinking Establishments Q&A, and The Legal Aspects of Performing Copyrighted Music.

You may still obtain necessary permission to perform BMI licensed music by completing, signing and returning the enclosed license agreement form together with payment of fee within five days of receipt of this letter.

Your failure to return the signed agreement within the stated time will leave us with no alternative other than to consider whatever action appropriate for the protection of our rights.

Sincerely,

  
Lawrence E. Stevens  
Assistant Vice President  
General Licensing

Enclosures: MPA, BRE, BBB, EDE Q&A, Legal Aspects. Letters dated: 2/16/04, 2/26/04, 4/16/04, 4/28/04, 5/12/04, 5/21/04, 8/5/04, 9/17/04, 9/27/04, 10/5/04, 11/3/04, 11/24/04, 12/16/04, 12/27/04, 3/2/05.

LS/dy

Conte


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## Track results detail

### Tracking results detail for 26445943156

#### Track

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- ▶ [Track by reference](#)
- ▶ [Get delivery signature](#)
- ▶ [Track DHL Same Day service](#)

#### Log in to DHL

User ID Password  Remember my User ID

Log in

[Forgot your Password?](#)

#### Tracking history

Date and Time	Status	Location
5/27/2005 11:00 am	Shipment delivered.	Boston, MA
7:25 am	Arrived at DHL facility.	Boston, MA
5/26/2005 5:41 pm	Departing origin.	Nashville, TN
4:46 pm	Picked Up by DHL.	Shipper's Door
<b>Ship From:</b> B M I Nashville, TN 37203 United States	<b>Ship To:</b> SKYLINE BAR AND GRILLE Quincy, MA 02171 United States	<b>Shipment Information:</b> Ship date: 5/26/2005 Pieces: 1 Total weight: 1 lb Ship Type: Letter Exp
<b>Attention:</b> B M I	<b>Attention:</b> SKYLINE BAR AND GRILLE	<b>Shipment Reference:</b> Service: Next Day AM Special Service: Description:

Tracking detail provided by DHL: 5/31/2005, 8:20:55 am pt.

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#### Questions?

We're here to help!

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[Track](#)

- ▶ [Track by number](#)
- ▶ [Track by reference](#)
- ▶ [Get delivery signature](#)
- ▶ [Track DHL Same Day service](#)

[Log in to DHL](#)User ID Password  Remember my User ID[Log in](#) [Forgot your Password?](#)

Tracking Delivery Signature details... Tracking Number 26445943156

[Help](#)[New to DHL?](#)

### Tracking summary

Current Status

Shipment Delivered

Delivered on

5/27/05 11:00 am

Delivered to

Receptionist

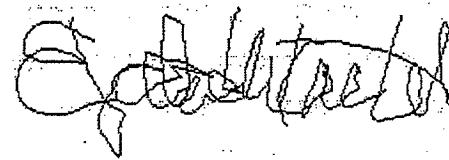
Signed for by

E TWEETED

[Help me with the signed by codes](#)

Registration is  
And as a regist  
have access to  
tools to help yo  
packages easil  
▶ [Register Now](#)

### Signature



RECEIVED IN GOOD ORDER EXCEPT AS NOTED

### Receiver Information

SKYLINE BAR AND GRILLE

Quincy, MA 02171

United States

Tracking detail provided by DHL: 5/31/2005 8:21:19 AM

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Lawrence E. Stevens  
Assistant Vice President  
General Licensing

May 30, 2005

Grimoaldo A. Ruscito  
Skyline Bar and Grille  
305 Victory Road  
Quincy MA 02171

DHL

Re: Skyline Bar and Grille

Dear Mr. Ruscito:

This is to notify you that infringement of BMI copyright controlled music recently occurred in your establishment and was noted by our Music Researcher. Said infringement is in violation of the rights granted copyright owners under the copyright law of the United States. You had previously been advised that we would not permit the unauthorized use of the music we control within your establishment.

We have provided you with all the pertinent information and request that you obtain a license to permit the public performance of BMI copyrighted music in your establishment. We remain ready to furnish you a license at equitable rates. The fees below cover all unlicensed periods for your business. In addition to the license fees, Music Researcher fees have been incurred.

**PERIOD & FEE**

2/1/04 - 1/31/05 = \$2,562.00

2/1/05 - 1/31/06 = \$2,632.00

Music Researcher Costs	\$468.00
------------------------	----------

<b>TOTAL:</b>	\$5,662.00
---------------	------------

In order to resolve this issue at this time, the enclosed Music License Agreement must be completed, signed and returned along with a payment for all outstanding fees within 5 days from the date of this letter. Should you fail to return the completed and signed Agreement with full payment by that date, you will leave me with no alternative other than to refer this matter to our attorneys for whatever action they deem necessary.

Sincerely,

Lawrence E. Stevens

Encl: EDE1 MPA , Legal Aspects, WDYMLFG?, BRE  
3323115502596/DY/Premise State: MA



10 Music Square East, Nashville, Tennessee 37203-4399  
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8DMD05.doc

Conta



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[DHL USA Hom](#)



## Track results detail

### Tracking results detail for 16647487570

#### Track

- [Track by number](#)
- [Track by reference](#)
- [Get delivery signature](#)
- [Track DHL Same Day service](#)

#### Tracking summary

Current Status	<input checked="" type="checkbox"/> Shipment delivered.	<a href="#">View Signature</a>
Delivered on	6/2/2005 3:36 pm	
Delivered to	Receptionist	
Signed for by	R MCCAY	What is this?

#### Log in to DHL

User ID

Password

Remember my User ID

[Log in](#)

► [Forgot your Password?](#)

#### Tracking history

Date and Time  
6/2/2005 3:36 pm  
8:10 am  
6/1/2005 11:35 pm  
5/31/2005 5:38 pm  
4:53 pm

Ship From:  
B M I  
Nashville, TN 37203  
United States

Attention:  
B M I

Status  
Shipment delivered.  
Arrived at DHL facility.  
Transit through sort facility.  
Departing origin.  
Picked Up by DHL.

Ship To:  
SKYLINE BAR AND GRILLE  
Quincy, MA 02171  
United States

Attention:  
SKYLINE BAR AND GRILLE

Location  
Boston, MA  
Boston, MA  
Wilmington, OH  
Nashville, TN  
Shipper's Door

Shipment Information:  
Ship date: 5/31/2005  
Pieces: 1  
Total weight: 1 lb  
Ship Type: Letter Exp

Shipment Reference:  
Service: 2nd day  
Special Service:  
Description:

Tracking detail provided by DHL: 6/2/2005, 2:26:34 pm pt.

[Track nev](#)

You are authorized to use DHL tracking systems solely to track shipments tendered by or for you to DHL. Use of DHL tracking systems and information is strictly prohibited.

#### New to DHL?

Registration is quick and easy. And as a registered user, you'll have access to services and tools to help you ship your packages easily and efficiently.

► [Register Now](#)

#### Questions?

We're here to help!  
► [Contact DHL](#)

Conta



Ship

Track

Services

About DHL

Help

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## Delivery Signature Detail

Track

Tracking Delivery Signature details... Tracking  
Number 16647487570

Help

New to DHL?

- ▶ Track by number
- ▶ Track by reference
- ▶ Get delivery signature
- ▶ Track DHL Same Day service

### Tracking summary

Current Status	✓ Shipment Delivered
Delivered on	6/2/05 3:36 pm
Delivered to	Receptionist
Signed for by	R MCCAY

Registration is  
And as a regist  
have access to  
tools to help yo  
packages easil  
▶ Register Now

[Help me with the signed by codes](#)

### Log in to DHL

User ID

Password

 Remember my User ID[▶ Forgot your Password?](#)

### Signature

**RECEIVED IN GOOD ORDER EXCEPT AS NOTED**

### Receiver Information

Please retry later to obtain receiver infomation.

Tracking detail provided by DHL: 6/2/2005 2:26:57 PM

[View Tracking Detail](#)[E-mail Delivery Signature](#)[Track new shipment](#)

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Lawrence E. Stevens  
 Assistant Vice President  
 General Licensing

May 31, 2005

Anthony Ruscito Sr.  
 Skyline Bar and Grille  
 305 Victory Road  
 Quincy MA 02171

DHL

Re: Skyline Bar and Grille

Dear Mr. Ruscito Sr.:

This is to notify you that infringement of BMI copyright controlled music recently occurred in your establishment and was noted by our Music Researcher. Said infringement is in violation of the rights granted copyright owners under the copyright law of the United States. You had previously been advised that we would not permit the unauthorized use of the music we control within your establishment.

We have provided you with all the pertinent information and request that you obtain a license to permit the public performance of BMI copyrighted music in your establishment. We remain ready to furnish you a license at equitable rates. The fees below cover all unlicensed periods for your business. In addition to the license fees, Music Researcher fees have been incurred.

**PERIOD & FEE**

2/1/04 - 1/31/05 = 2,562.00

2/1/05 - 1/31/06 = 2,632.00

Music Researcher Costs	\$468.00
------------------------	----------

TOTAL:	\$5,662.00
--------	------------

In order to resolve this issue at this time, the enclosed Music License Agreement must be completed, signed and returned along with a payment for all outstanding fees within 5 days from the date of this letter. Should you fail to return the completed and signed Agreement with full payment by that date, you will leave me with no alternative other than to refer this matter to our attorneys for whatever action they deem necessary.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lawrence E. Stevens'.

Lawrence E. Stevens

Encl: EDE1 MPA , Legal Aspects, WDYMLFG?, BRE  
 3323115502596/dy/Premise State: MA



Conta



Ship Track Services About DHL Help

DHL USA Home



## Track results detail

Tracking results detail for 16647487673

### Track

- [Track by number](#)
- [Track by reference](#)
- [Get delivery signature](#)
- [Track DHL Same Day service](#)

### Tracking summary

Current Status	<input checked="" type="checkbox"/> Shipment delivered.	<a href="#">View Signature</a>
Delivered on	6/2/2005 3:36 pm	
Delivered to	Receptionist	
Signed for by	R MCCAY	<a href="#">What is this?</a>

### Log in to DHL

User ID

Password

Remember my User ID

[Log in](#)

► [Forgot your Password?](#)

### Tracking history

#### Date and Time

6/2/2005 3:36 pm  
8:02 am  
5/31/2005 5:38 pm  
4:53 pm

#### Ship From:

B M I  
Nashville, TN 37203  
United States

#### Attention:

B M I

#### Status

Shipment delivered.  
Arrived at DHL facility.  
Departing origin.  
Picked Up by DHL.

#### Ship To:

SKYLINE BAR AND GRILLE  
Quincy, MA 02171  
United States

#### Attention:

SKYLINE BAR AND GRILLE

#### Location

Boston, MA  
Boston, MA  
Nashville, TN  
Shipper's Door

Shipment Information:  
Ship date: 5/31/2005  
Pieces: 1  
Total weight: 1 lb  
Ship Type: Letter Expr

Shipment Reference:  
Service: 2nd day  
Special Service:  
Description:

Tracking detail provided by DHL: 6/2/2005, 2:28:22 pm pt.

[Track new](#)

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### New to DHL?

Registration is quick and easy. And as a registered user, you'll have access to services and tools to help you ship your packages easily and efficiently.

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### Questions?

We're here to help!

► [Contact DHL](#)

DHL: Get delivery signature detail

Conta

[Ship](#) [Track](#) [Services](#) [About DHL](#) [Help](#)[DHL USA Home](#)

## Delivery Signature Detail

### Track

- ▶ Track by number
- ▶ Track by reference
- ▶ **Get delivery signature**
- ▶ Track DHL Same Day service

### Log in to DHL

User ID Password  Remember my User ID[▶ Forgot your Password?](#)

Tracking Delivery Signature details... Tracking Number 16647487673

[▶ Help](#)[New to DHL?](#)

### Tracking summary

Current Status

 **Shipment Delivered**

Delivered on

6/2/05 3:36 pm

Delivered to

Receptionist

Signed for by

R MCCAY

[Help me with the signed by codes](#)

Registration is  
And as a regist  
have access to  
tools to help yo  
packages easil  
▶ Register Now

### Signature

**RECEIVED IN GOOD ORDER EXCEPT AS NOTED**

### Receiver Information

Please retry later to obtain receiver information.

Tracking detail provided by DHL: 6/2/2005 2:28:35 PM

[View Tracking Detail](#) [E-mail Delivery Signature](#) [Track new shipment](#)

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Lawrence E. Stevens  
Assistant Vice President  
General Licensing

June 10, 2005

Anthony Ruscito Jr.  
Skyline Bar and Grille  
305 Victory Road  
Quincy MA 02171

DHL

Re: Skyline Bar and Grille

Dear Mr. Ruscito Jr.:

This is to notify you that infringement of BMI copyright controlled music recently occurred in your establishment and was noted by our Music Researcher. Said infringement is in violation of the rights granted copyright owners under the copyright law of the United States. You had previously been advised that we would not permit the unauthorized use of the music we control within your establishment.

We have provided you with all the pertinent information and request that you obtain a license to permit the public performance of BMI copyrighted music in your establishment. We remain ready to furnish you a license at equitable rates. The fees below cover all unlicensed periods for your business. In addition to the license fees, Music Researcher fees have been incurred.

**PERIOD & FEE**

2/1/04 - 1/31/05 = \$2,562.00

2/1/05 - 1/31/06 = \$2,632.00

Music Researcher Costs	\$468.00
------------------------	----------

TOTAL:	\$5,662.00
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In order to resolve this issue at this time, the enclosed Music License Agreement must be completed, signed and returned along with a payment for all outstanding fees within 5 days from the date of this letter. Should you fail to return the completed and signed Agreement with full payment by that date, you will leave me with no alternative other than to refer this matter to our attorneys for whatever action they deem necessary.

Sincerely,

Lawrence E. Stevens

Encl: EDE1 MPA , Legal Aspects, WDYMLFG?, BRE  
3323115502596/dy/Premise State: MA



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## Track results detail

Tracking results detail for 16647544270

### Track

- ▶ [Track by number](#)
- ▶ [Track by reference](#)
- ▶ [Get delivery signature](#)
- ▶ [Track DHL Same Day service](#)

### Log in to DHL

User ID

Password

Remember my User ID

[Log in](#)

▶ [Forgot your Password?](#)

### Tracking history

#### Date and Time

6/13/2005 3:45 pm  
5:32 am  
6/12/2005 9:06 am  
6/10/2005 5:45 pm  
4:28 pm

#### Ship From:

B M I  
Nashville, TN 37203  
United States

#### Attention:

B M I

#### Status

Shipment delivered.  
Arrived at DHL facility.  
Transit through sort facility.  
Departing origin:  
Picked Up by DHL.

Ship To:  
SKYLINE BAR AND GRILLE  
Quincy, MA 02171  
United States

#### Attention:

SKYLINE BAR AND GRILLE

#### Location

Boston, MA  
Boston, MA  
Wilmington, OH  
Nashville, TN  
Shipper's Door

Shipment Information:  
Ship date: 6/10/2005  
Pieces: 1  
Total weight: 1 lb  
Ship Type: Letter Exp

Shipment Reference:  
Service: 2nd day  
Special Service:  
Description:

Tracking detail provided by DHL: 6/14/2005, 8:18:44 am pt.

[Track new](#)

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### New to DHL?

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### Questions?

We're here to help!  
▶ [Contact DHL](#)

Conta

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## Delivery Signature Detail

[Track](#)

Tracking Delivery Signature details... Tracking Number 16647544270

[Help](#)[New to DHL?](#)

- [Track by number](#)
- [Track by reference](#)
- [Get delivery signature](#)
- [Track DHL Same Day service](#)

### Tracking summary

Current Status  [Shipment Delivered](#)

Delivered on 6/13/05 3:45 pm

Delivered to Receptionist

Signed for by REDDY

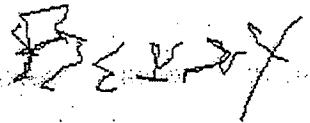
[Help me with the signed by codes](#)

Registration is  
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have access to  
tools to help yo  
packages easil  
► [Register Now](#)

### Log in to DHL

User ID Password  Remember my User ID[Log in](#)[Forgot your Password?](#)

### Signature

**RECEIVED IN GOOD ORDER EXCEPT AS NOTED**

### Receiver Information

Please retry later to obtain receiver information.

Tracking detail provided by DHL: 6/14/2005 8:18:53 AM

[View Tracking Detail](#)[E-mail Delivery Signature](#)[Track new shipment](#)

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Lawrence E. Stevens  
Assistant Vice President  
General Licensing

July 20, 2005

Anthony Ruscito Jr.  
Skyline Bar and Grille  
305 Victory Road  
Quincy, MA 02171

RE: Skyline Bar and Grille

Dear Mr. Ruscito:

This is to notify you that the cease and desist order sent to you by BMI remains in full force and effect.

Since we have not received the license from you that would legally allow the performances of BMI represented copyrighted compositions in your business or organization, we must proceed in efforts to protect the rights of our more than 300,000 writers and publishers. However, this can be avoided by contacting this office immediately.

Violations of the copyright law are expensive. Damages for infringement of at least \$750 per song, which can be significantly increased by the courts, are set forth in Title 17 of the United States Code (Copyright Law).

If you have any questions regarding this important matter, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence E. Stevens". The signature is fluid and cursive, with a prominent 'L' at the beginning.

Lawrence E. Stevens

3323115502596 /tcj





Lawrence E. Stevens  
Assistant Vice President  
General Licensing

July 20, 2005

Anthony Ruscito Sr.  
Skyline Bar and Grille  
305 Victory Road  
Quincy, MA 02171

RE: Skyline Bar and Grille

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Lawrence E. Stevens

3323115502596 /tcj





Lawrence E. Stevens  
Assistant Vice President  
General Licensing

July 20, 2005

Grimoaldo A. Ruscito  
Skyline Bar and Grille  
305 Victory Road  
Quincy, MA 02171

RE: Skyline Bar and Grille

Dear Mr. Ruscito:

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